

REMARKS

The present application was filed on August 19, 2003, with claims 1-21. Claims 1-21 were pending, and claims 1, 18 and 21 were the pending independent claims, prior to the amendments made herein.

Claims 1, 2, 5, 14, 15 and 18-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,173,910 (hereinafter “Goodman”) in view of U.S. Patent Application Publication No. 2003/0053455 (hereinafter “Kryskow”).

Claims 7 and 8 are rejected under §103(a) as being unpatentable over Goodman and Kryskow in view of other references.

Claims 3, 4, 6, 9-13, 16 and 17 are indicated as containing allowable subject matter.

Applicants respectfully request reconsideration of the present application in view of the above amendments and the remarks below.

Applicants have amended independent claims 1, 18 and 21 to incorporate the limitations of allowable dependent claim 16, and claims 15 and 16 have been canceled. Accordingly, the amended claims and any claims dependent therefrom are believed to be allowable.

Allowable dependent claims 3, 10 and 17 have been rewritten in independent form, and these claims and any associated dependent claims are also believed to be allowable. Applicants note in this regard that the recitation “vector of network link-level performance indicators” in claim 3 has been replaced with --vector of performance indicators-- in rewriting the claim in independent form. The limitations of the claim as amended are not shown by the collective teachings of Goodman, Kryskow and the other cited art. Applicants have also made a similar amendment to dependent claim 6.

The amendments made herein should not be construed as an acknowledgement that the rejections are believed to have merit. To the contrary, Applicants believe that the present §103(a) rejections are deficient in that the collective teachings of Goodman and Kryskow fail to meet the limitations of at least claims 1, 2, 5, 14, 15 and 18-21, and further in that one skilled in the art would not be motivated to combine these references in the manner proposed. Notwithstanding the traversal, Applicants have chosen to amend the claims in order to expedite the prosecution of the application, and expressly reserve the right to pursue additional claims in one or more continuing applications. It is to be appreciated that the claim amendments made herein are not made for reasons relating to patentability over the cited art.

In view of the above, Applicants believe that claims 1-21 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejections.

Respectfully submitted,



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